

Calendar No. 536

109TH CONGRESS
2D SESSION**S. 3526****[Report No. 109–294]**

To amend the Indian Land Consolidation Act to modify certain requirements under that Act.

IN THE SENATE OF THE UNITED STATES

JUNE 15, 2006

Mr. MCCAIN introduced the following bill; which was read twice and referred to the Committee on Indian Affairs

JULY 26, 2006

Reported by Mr. MCCAIN, without amendment

A BILL

To amend the Indian Land Consolidation Act to modify certain requirements under that Act.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Indian Land Consoli-
5 dation Act Amendments of 2006”.

1 **SEC. 2. DEFINITIONS.**

2 Section 202 of the Indian Land Consolidation Act
3 (25 U.S.C. 2201) is amended—

4 (1) in paragraph (4)—

5 (A) by inserting “(i)” after “(4)”;

6 (B) by striking “‘trust or restricted inter-
7 est in land’ or” and inserting the following:

8 “(ii) ‘trust or restricted interest in land’ or”;

9 and

10 (C) in clause (ii) (as designated by sub-
11 paragraph (B)), by striking “an interest in
12 land, title to which” and inserting “an interest
13 in land, the title to which interest”; and

14 (2) by striking paragraph (7) and inserting the
15 following:

16 “(7) the term ‘land’—

17 “(A) means any real property; and

18 “(B) for purposes of intestate succession
19 only under section 207(a), includes, with re-
20 spect to any decedent who dies after July 20,
21 2007, the interest of the decedent in any im-
22 provements permanently affixed to a parcel of
23 trust or restricted lands (subject to any valid
24 mortgage or other interest in such an improve-
25 ment) that was owned in whole or in part by

1 the decedent immediately prior to the death of
2 the decedent;”.

3 **SEC. 3. DESCENT AND DISTRIBUTION.**

4 Section 207 of the Indian Land Consolidation Act
5 (25 U.S.C. 2206) is amended—

6 (1) in subsection (a)(2)(D)—

7 (A) in clause (i), by striking “clauses (ii)
8 through (iv)” and inserting “clauses (ii)
9 through (v)”;

10 (B) by striking clause (v) and inserting the
11 following:

12 “(v) EFFECT OF PARAGRAPH; NON-
13 APPLICABILITY TO CERTAIN INTERESTS.—
14 Nothing in this paragraph—

15 “(I) limits the right of any per-
16 son to devise any trust or restricted
17 interest pursuant to a valid will in ac-
18 cordance with subsection (b); or

19 “(II) applies to any interest in
20 the estate of a decedent who died dur-
21 ing the period beginning on the date
22 of enactment of this subclause and
23 ending on July 20, 2007 (or the last
24 day of any applicable period of exten-

1 sion authorized by the Secretary
2 under clause (vi)).

3 “(vi) AUTHORITY TO EXTEND PERIOD
4 OF NONAPPLICABILITY.—The Secretary
5 may extend the period of nonapplicability
6 under clause (v)(II) for not longer than 1
7 year if, by not later than July 2, 2007, the
8 Secretary publishes in the Federal Register
9 a notice of the extension.”;

10 (2) in subsection (c)(2), by striking “the date
11 that is” and all that follows through the period at
12 the end and inserting the following: “July 21,
13 2007.”; and

14 (3) in subsection (o)—

15 (A) in paragraph (3)—

16 (i) by redesignating subparagraphs
17 (A) and (B) as clauses (i) and (ii) and in-
18 denting the clauses appropriately; and

19 (ii) by striking “(3)” and all that fol-
20 lows through “No sale” and inserting the
21 following:

22 “(3) REQUEST TO PURCHASE; CONSENT RE-
23 QUIREMENTS; MULTIPLE REQUESTS TO PUR-
24 CHASE.—

25 “(A) IN GENERAL.—No sale”; and

1 (iii) by striking the last sentence and
 2 inserting the following:

3 “(B) MULTIPLE REQUESTS TO PUR-
 4 CHASE.—Except for interests purchased pursu-
 5 ant to paragraph (5), if the Secretary receives
 6 a request with respect to an interest from more
 7 than 1 eligible purchaser under paragraph (2),
 8 the Secretary shall sell the interest to the eligi-
 9 ble purchaser that is selected by the applicable
 10 heir, devisee, or surviving spouse.”;

11 (B) in paragraph (4)—

12 (i) in subparagraph (A), by adding
 13 “and” at the end;

14 (ii) in subparagraph (B), by striking
 15 “; and” and inserting a period; and

16 (iii) by striking subparagraph (C);
 17 and

18 (C) in paragraph (5)—

19 (i) in subparagraph (A)—

20 (I) in the matter preceding clause

21 (i), by striking “auction and”;

22 (II) in clause (i), by striking
 23 “and” at the end;

24 (III) in clause (ii)—

1 (aa) by striking “auction”
2 and inserting “sale”;

3 (bb) by striking “the inter-
4 est passing to such heir rep-
5 represents” and inserting “, at the
6 time of death of the applicable
7 decedent, the interest of the dece-
8 dent in the land represented”;
9 and

10 (cc) by striking the period at
11 the end and inserting “; and”;
12 and

13 (IV) by adding at the end the fol-
14 lowing:

15 “(iii)(I) the Secretary is purchasing
16 the interest as part of the program author-
17 ized under section 213(a)(1); or

18 “(II) after receiving a notice under
19 paragraph (4)(B), the Indian tribe with ju-
20 risdiction over the interest is proposing to
21 purchase the interest from an heir that is
22 not a member, and is not eligible to be-
23 come a member, of that Indian tribe.”;

24 (ii) in subparagraph (B)—

1 (I) by striking “(B)” and all that
 2 follows through “such heir” and in-
 3 serting the following:

4 “(B) EXCEPTION; NONAPPLICABILITY TO
 5 CERTAIN INTERESTS.—

6 “(i) EXCEPTION.—Notwithstanding
 7 subparagraph (A), the consent of the heir
 8 or surviving spouse”;

9 (II) in clause (i), by inserting “or
 10 surviving spouse” before “was resid-
 11 ing”; and

12 (III) by adding at the end the
 13 following:

14 “(ii) NONAPPLICABILITY TO CERTAIN
 15 INTERESTS.—Subparagraph (A) shall not
 16 apply to any interest in the estate of a de-
 17 cedent who dies on or before July 20, 2007
 18 (or the last day of any applicable period of
 19 extension authorized by the Secretary
 20 under subparagraph (C)).”; and

21 (iii) by adding at the end the fol-
 22 lowing:

23 “(C) AUTHORITY TO EXTEND PERIOD OF
 24 NONAPPLICABILITY.—The Secretary may ex-
 25 tend the period of nonapplicability under sub-

1 paragraph (B)(ii) for not longer than 1 year if,
2 by not later than July 2, 2007, the Secretary
3 publishes in the Federal Register a notice of the
4 extension.”.

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